COMBINED DECLARATION FOR PATENT APPLICATION AND POWER OF ATTORNEY
(Includes Reference to Provisional and PCT International Applications)

ATTORNEY'S DOCKET NUMBER
031201-025

As a below named inventor, I hereby declare that:
My residence, post office address and citizenship are as stated below next to my name;
I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

MODIFICATION OF AIRWAYS BY APPLICATION OF ENERGY



the specification of which (check only one item below):

☐ is attached hereto.

☒ was filed as United States application

Number 09/296,040

on April 21, 1999

and was amended

on _____ (if applicable).

☐ was filed as PCT international application

Number _____

on _____

and was amended under PCT Article 19

on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 (a)-(e) of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

PRIOR FOREIGN/PCT APPLICATION(S) AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. §119:

COUNTRY (if PCT, indicate "PCT")	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIMED UNDER 35 U.S.C. §119
			__ Yes __ No
			__ Yes __ No
			__ Yes __ No
			__ Yes __ No
			__ Yes __ No

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below.

_____ _____
(Application Number) (Filing Date)

_____ _____
(Application Number) (Filing Date)

(01/99)

COMBINED DECLARATION FOR PATENT APPLICATION AND POWER OF ATTORNEY (CONTINUED) (Includes Reference to Provisional and PCT International Applications)	ATTORNEY'S DOCKET NO. 031201-025

I hereby claim the benefit under Title 35, United States Code, §120 of any United States applications(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose to the Office all information known to me to be material to the patentability as defined in Title 37, Code of Federal Regulations §1.56, which became available between the filing date of the prior application(s) and the national or PCT international filing date of this application:

PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS DESIGNATING THE U.S. FOR BENEFIT UNDER 35 U.S.C. 120:

U.S. APPLICATIONS		STATUS *(check one)*		
U.S. APPLICATION NUMBER	U.S. FILING DATE	PATENTED	PENDING	ABANDONED
09/095,323	June 10, 1998		X	
PCT APPLICATIONS DESIGNATING THE U.S.				
PCT APPLICATION NO.	PCT FILING DATE	U.S. APPLICATION NUMBERS ASSIGNED (if any)		

I hereby appoint the following attorneys and agent(s) to prosecute said application and to transact all business in the Patent and Trademark Office connected therewith and to file, prosecute and to transact all business in connection with international applications directed to said invention:

William L. Mathis	17,337	George A. Hovanec, Jr.	28,223	Peter K. Skiff	31,917
Peter H. Smolka	15,913	James A. LaBarre	28,632	Richard J. McGrath	29,195
Robert S. Swecker	19,885	E. Joseph Gess	28,510	Matthew L. Schneider	32,814
Platon N. Mandros	22,124	R. Danny Huntington	27,903	Michael G. Savage	32,596
Benton S. Duffett, Jr.	22,030	Eric H. Weisblatt	30,505	Gerald F. Swiss	30,113
Norman H. Stepno	22,716	James W. Peterson	26,057	Michael J. Ure	33,089
Ronald L. Grudziecki	24,970	Teresa Stanek Rea	30,427	Charles F. Wieland III	33,096
Frederick G. Michaud, Jr.	26,003	Robert E. Krebs	25,885	Bruce T. Wieder	33,815
Alan E. Kopecki	25,813	William C. Rowland	30,888	Todd R. Walters	34,040
Regis E. Slutter	26,999	T. Gene Dillahunty	25,423	Ronni S. Jillions	31,979
Samuel C. Miller, III	27,360	Patrick C. Keane	32,858	Harold R. Brown III	36,341
Ralph L. Freeland, Jr.	16,110	Bruce J. Boggs, Jr.	32,344	Allen R. Baum	36,086
Robert G. Mukai	28,531	William H. Benz	25,952	Steven M. du Bois	35,023

and: Cindy A. Lynch, Reg. No. 38,699

Address all correspondence to:

Robert E. Krebs
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Alexandria, Virginia 22313-1404

Address all telephone calls to: Cindy A. Lynch at (650) 854-7400.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

COMBINED DECLARATION FOR PAT[redacted]PLICATION AND POWER OF ATTORNEY[redacted]TINUED) (Includes Reference to Provisional and PCT International Applications)	ATTORNEY'S DOCKET NO. 031201-025

FULL NAME OF SOLE OR FIRST INVENTOR Christopher J. Danek	SIGNATURE C Danek	DATE 6/25/99
RESIDENCE 425 Margarita Avenue, Palo Alto, CA 94306		CITIZENSHIP United States
POST OFFICE ADDRESS Same as above		
FULL NAME OF SECOND JOINT INVENTOR, IF ANY Thomas M. Keast	SIGNATURE	DATE 6/23/99
RESIDENCE 1814 Phelan Court, San Jose, CA 95122		CITIZENSHIP United States
POST OFFICE ADDRESS Same as above		
FULL NAME OF THIRD JOINT INVENTOR, IF ANY Bryan E. Loomas	SIGNATURE	DATE 23 JUNE '99
RESIDENCE 17751 McKinnon Drive, Saratoga, CA 95070		CITIZENSHIP United States
POST OFFICE ADDRESS Same as above		
FULL NAME OF FOURTH JOINT INVENTOR, IF ANY	SIGNATURE	DATE
RESIDENCE		CITIZENSHIP
POST OFFICE ADDRESS		
FULL NAME OF FIFTH JOINT INVENTOR, IF ANY	SIGNATURE	DATE
RESIDENCE		CITIZENSHIP
POST OFFICE ADDRESS		
FULL NAME OF SIXTH JOINT INVENTOR, IF ANY	SIGNATURE	DATE
RESIDENCE		CITIZENSHIP
POST OFFICE ADDRESS		
FULL NAME OF SEVENTH JOINT INVENTOR, IF ANY	SIGNATURE	DATE
RESIDENCE		CITIZENSHIP
POST OFFICE ADDRESS		
FULL NAME OF EIGHTH JOINT INVENTOR, IF ANY	SIGNATURE	DATE
RESIDENCE		CITIZENSHIP
POST OFFICE ADDRESS		
FULL NAME OF NINTH JOINT INVENTOR, IF ANY	SIGNATURE	DATE
RESIDENCE		CITIZENSHIP
POST OFFICE ADDRESS		

OIPE
JUL 0 1 1999
PATENT & TRADEMARK OFFICE

Patent
Attorney's Docket No. 031201-025

Applicant or Patentee: Christopher J. Danek, et al.

Application or Patent No.: 09/296,040

Filed or Issued: April 21, 1999

For: MODIFICATION OF AIRWAYS BY APPLICATION OF ENERGY

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS (37 C.F.R. §§ 1.9(f) AND 1.27(c)) - SMALL BUSINESS CONCERN

I hereby declare that I am

[] the owner of the small business concern identified below:
[X] an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN Broncus Technologies, Inc.

ADDRESS OF CONCERN 1400 N. Shoreline Boulevard, Building A, Suite 8, Mountain View, CA. 94043

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 C.F.R. § 1.21 for purposes of paying reduced fees under Sections 41(a) and 41(b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average, over the previous fiscal year of the concern, of the persons employed on a full-time, part-time, or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention entitled MODIFICATION OF AIRWAYS BY APPLICATION OF ENERGY by inventor(s) Christopher J. Danek, Thomas M. Keast; and Bryan E. Loomas described in

[] the specification filed herewith
[X] Application No. 09/296,040 , filed April 21, 1999 .
[] Patent No. _____ , issued _____ .

If the rights held by the above-identified small business concern are not exclusive, each individual, concern, or organization having rights to the invention is listed below,* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 C.F.R. § 1.9(c), or by any concern that would not qualify as either a small business concern under 37 C.F.R. § 1.9(d) or a nonprofit organization under 37 C.F.R. § 1.9(e).

*NOTE: Separate verified statements are required from each named person, concern, or organization having rights to the invention averring to their status as small entities. (37 C.F.R. § 1.27.)

Application No. 09/296,040
Attorney's Docket No. 031201-025

NAME _____

ADDRESS _____

[] individual [] small business concern [] nonprofit organization

NAME _____

ADDRESS _____

[] individual [] small business concern [] nonprofit organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earlier of the issue fee and any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 C.F.R. § 1.28(b).)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code; and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING Gary Kaplan

TITLE OF PERSON OTHER THAN OWNER Vice President, Operations

ADDRESS OF PERSON SIGNING 1400 N. Shoreline Boulevard, Building A, Suite 8,
Mountain View, CA 94043

SIGNATURE _____ DATE 6/25/99